

REMARKS

Applicants respectfully request entry of the remarks submitted herein. Claims 1, 5-8, and 10-11 are currently pending and stand rejected. Claim 5 has been amended herein to correct a minor typographical error. Applicants have herein amended claim 1 to recite that saccharification is immediately followed by fractionating syrup (A) chromatographically. Support for this amendment can be found in the specification at, for example, page 11, lines 16-19. No new matter has been added.

Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §102 Rejection

Claims 1, 5, 6, 8, 10, and 11 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Leleu et al. (US Patent No. 6,344,591) (hereinafter "Leleu"). Specifically, the Examiner alleged that Leleu discloses methods for preparing a maltitol-rich product that include the presently claimed processes.

This rejection is respectfully traversed with respect to the present claims. A claim is anticipated only if each and every limitation is disclosed in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 639 (Fed. Cir. 1989) and M.P.E.P. § 2131. Without acquiescing to the Examiner's rejection, and to further prosecution, Applicants have herein amended claim 1 to clarify that the saccharification step of step (a) is immediately followed by fractionating chromatographically. Applicants submit that Leleu fails to meet this requirement with respect to the amended claims.

Leleu discloses that either or both of bipyramidal maltitol crystals or prismatic maltitol crystals can be produced by generic liquefaction and saccharification processes and, following filtration and de-mineralization, chromatographic fractionation, concentration, and enzymatic hydrolysis. See column 5, lines 46-49. Leleu does not disclose the successive steps of liquefaction and saccharification immediately followed by chromatographic fractionation of liquid maltitol to obtain a maltitol-enriched fraction. Thus, Leleu fails to disclose each and every limitation of the pending claims.

Since a claim is anticipated only if each and every limitation is disclosed in a single prior art reference (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 639 (Fed. Cir. 1989) and M.P.E.P. § 2131), independent claim 1 is not anticipated by Leleu. In light of the above, Applicants respectfully request that the rejection of claims 1, 5, 6, 8, 10, and 11 under 35 U.S.C. §102(b) be withdrawn.

In case the Examiner is considering an obviousness rejection over Leleu, Applicants submit that the successive steps recited in claims 1 and 5 are directed toward obtaining high purity crystalline maltitol, solidified maltitol, and a liquefied fraction containing very high levels (at least 94%) of maltitol. Applicants respectfully refer the Examiner to the specification at page 11, lines 16-19, which discloses that "it was found that high recovery yields of different maltitol products are achievable by having the liquefaction, saccharification immediately followed by chromatographic fractionation of maltose." Therefore, the claims as amended are not obvious over Leleu because it would not have been expected that one could obtain all of the different maltitol products at the recited levels using the successive steps of liquefaction, saccharification, and chromatographic fractionation.

Objection to the Claims

The Examiner objected to claim 7 as depending from a rejected base claim. The Examiner indicated that claim 7 would be allowable if rewritten as an independent claim. Applicants respectfully submit that, as described above, present claim 1 is novel over U.S. Patent No. 6,344,591 and is in condition for allowance. Accordingly, Applicants respectfully request withdrawal of the objection to claim 7.

CONCLUSION

Applicants respectfully submit that claims 1, 5-8, and 10-11 are in condition for allowance, which action is requested.

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Respectfully submitted,

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